

## **AMENDMENTS TO THE CLAIMS**

The following listing of claims will replace all prior versions and listings of claims in the application.

### **LISTING OF CLAIMS**

1. (Currently Amended) A musical composition data editing apparatus comprising:  
a determining device that reads out whole of source musical composition data and refers to musical composition reproduction control codes for controlling reproduction of a musical composition contained in the source musical composition data, to determine whether or not ~~the imaging in the musical composition reproduction changes~~ the musical composition reproduction control codes are constant throughout the whole of the musical composition ~~based upon a predefined algorithm defined within the determining device that specifies conditions under which said imaging changes within the musical composition are deemed to exist;~~ and  
a rewriting device that is responsive to having been determined by said determining device that the imaging in the musical composition reproduction control codes changes are not constant throughout the whole of the musical composition, for carrying out rewriting of at least one of the musical composition reproduction control codes such that ~~a musical composition reproduction state~~ the at least one of the control codes becomes constant throughout the whole of the musical composition.

2. (Previously Presented) A musical composition data editing apparatus as claimed in claim 1, wherein the musical composition reproduction control codes referred to by said determining device include performance tempo control codes, and said rewriting device is responsive to having been determined by said determining device that a performance tempo in the musical composition reproduction changes, for carrying out rewriting of the performance tempo control codes such that the performance tempo becomes constant.

3. (Previously Presented) A musical composition data editing apparatus as claimed in claim 1, wherein the musical composition reproduction control codes referred to by said determining device include volume control codes, and said rewriting device is responsive to having been determined by said determining device that a volume in the musical composition reproduction changes, for carrying out rewriting of the volume control codes such that the volume becomes constant.

4. (Currently Amended) A program encoded on a computer-readable medium for implementing a musical composition data editing method, comprising:

a determining module ~~for referring~~ that reads out whole of source material composition data and refers to musical composition reproduction control codes for controlling reproduction of a musical composition contained in the source musical composition data, to determine whether or not ~~the imaging in the musical composition reproduction changes~~ the musical composition reproduction control codes are constant

~~throughout the whole of the musical composition based upon a predefined algorithm defined by the determining module that specifies conditions under which said imaging changes within the musical composition are deemed to exist; and~~

a rewriting module responsive to having been determined by said determining module that ~~the imaging in the musical composition reproduction changes~~ control codes are not constant throughout the whole of the musical composition, for carrying out rewriting of at least one of the musical composition reproduction control codes such that ~~a musical composition reproduction state~~ the at least one of the performance parameters control codes becomes constant throughout the whole of the musical composition.

5. (Currently Amended) A musical composition data editing apparatus comprising:

a determining device that reads out whole of source musical composition data and determines ~~based upon a predefined algorithm defined within the determining device~~ whether or not acoustic control codes for controlling effects ~~specified by said predefined algorithm~~ are contained in the source musical composition data; and

a control code rewriting device that is responsive to having been determined by said determining device that the acoustic control codes are ~~contained in the source musical composition data~~ not constant throughout the whole of the musical composition, for carrying out rewriting of at least one of the acoustic control codes such that effects in reproduction of a musical composition contained in the source musical composition data becomes constant throughout the whole of the musical composition.

6. (Currently Amended) A program encoded on a computer-readable medium for implementing a musical composition data editing method, comprising:

a determining module that reads out whole of source musical composition data and determines ~~for determining based upon a predefined algorithm defined within the determining module~~ whether or not acoustic control codes for controlling effects ~~specified by said predefined algorithm~~ are contained in source musical composition data; and

a control code rewriting module responsive to having been determined by said determining module that the acoustic control codes are contained in the source musical composition data are not constant throughout the whole of the musical composition, for carrying out rewriting of at least one of the acoustic control codes such that effects in reproduction of a musical composition contained in the source musical composition data becomes constant throughout the whole of the musical composition.

7. (Previously Presented) A musical composition data distributing apparatus for distributing musical composition data in a predetermined instrument and performance control format to at least one performing apparatus, comprising:

a control code deleting device that reads out the whole of source musical composition data and is operable when at least one of musical composition reproduction control code is codes for controlling musical composition reproduction and acoustic control codes for controlling effects is contained in the source musical composition data, for deleting at least one of the musical control codes from the source musical composition

~~data based upon a predefined algorithm defined within the deleting device~~ to generate musical composition data in said predetermined format; and

a distributing device that distributes the musical composition data to the performing apparatus.

8. (Previously Presented) A musical composition data distributing apparatus as claimed in claim 7, further comprising a transmitting device that transmits distributable musical composition data to the performing apparatus in response to a request from the performing apparatus.

9. (Previously Presented) A musical composition data distributing apparatus for distributing musical composition data in a predetermined instrument and performance control format to at least one performing apparatus, comprising:

a control code deleting device that is operable when at least one of musical control code is contained in source musical composition data, for deleting at least one of the musical control codes from the source musical composition data to generate musical composition data in said predetermined format; and

a distributing device that distributes the musical composition data to the performing apparatus,

wherein the performing apparatus comprises a musical tone generating device that receives the musical composition data from said musical composition data distributing device, edits the received musical composition data, and generates musical tones based

on the edited musical composition data, and at least one operating terminal carriable by an operator, that generates information for controlling editing of the musical composition data by said musical tone generating device;

said operating terminal having a transmitting section that is operable during the editing of the musical composition data to detect motion of said operating terminal caused by an operation of the operator, generate motion information based on the detected motion, and transmit the motion information to said musical tone generating device; and

said musical tone generating device having an imparting section that parses the generated motion information into different types of motions and maps those different types of motions onto different musical control codes, the imparting section being further operative to newly generate musical control codes based on the motion information received from said operating terminal and according to the motion type-control code mapping, and imparts the generated musical control codes to the musical composition data.

10. (Currently Amended) A musical composition data distributing apparatus for distributing musical composition data in a predetermined instrument and performance control format to at least one performing apparatus, comprising:

a control code rewriting device that reads out whole of source musical composition data and is operable when at least one of musical composition reproduction control codes for controlling musical composition reproduction and acoustic control codes for controlling effects is contained in the source musical composition data and not constant throughout

~~the whole of the musical composition data and at least one of imaging and effects in the musical composition reproduction changes based upon a predefined algorithm defined within the rewriting device that specifies conditions under which said imaging changes and effects changes within the musical composition are deemed to exist~~, for carrying out rewriting of the at least one of the musical composition reproduction control codes and the acoustic control codes such that at least one of a musical composition reproduction state and the effects become constant, to generate musical composition data in said predetermined format; and

a distributing device that distributes the musical composition data to the performing apparatus.

11. (Previously Presented) A musical composition data distributing apparatus as claimed in claim 10, further comprising a transmitting device that transmits distributable musical composition data to the performing apparatus in response to a request from the performing apparatus.

12. (Previously Presented) A musical composition data distributing apparatus for distributing musical composition data in a predetermined instrument and performance control format to at least one performing apparatus, comprising:

a control code rewriting device that is operable when at least one of musical composition reproduction control codes for controlling musical composition reproduction and acoustic control codes for controlling effects is contained in source musical

composition data and at least one of imaging and effects in the musical composition reproduction changes, for carrying out rewriting of at least one of the musical composition reproduction control codes and the acoustic control codes such that at least one of a musical composition reproduction state and the effects become constant, to generate musical composition data in said predetermined format; and

a distributing device that distributes the musical composition data to the performing apparatus,

wherein the performing apparatus comprises a musical tone generating device that receives the musical composition data from said musical composition data distributing device, edits the received musical composition data, and generates musical tones based on the edited musical composition data, and at least one operating terminal carriable by an operator, that generates information for controlling editing of the musical composition data by said musical tone generating device;

said operating terminal having a transmitting section that is operable during the editing of the musical composition data to detect motion of said operating terminal caused by an operation of the operator, generate motion information based on the detected motion, and transmit the motion information to said musical tone generating device; and

said musical tone generating device having a rewriting section that parses the generated motion information into different types of motions and maps those different types of motions onto different musical control codes, the rewriting section being further operative to newly generate musical control codes based on the motion information received from the operating terminal, according to the motion type-control code mapping,

and to replace the newly generated musical control codes for existing musical control codes contained in the musical composition data to be the newly generated musical control codes.